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2009

# Council-Manager Charter of the Town of Winslow

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\***Adopted**--Legislature P.&S.L., 1969, Ch. 7; Amended--Legislature P.&S.L., 1970, Ch. 225; P.&S.L., Ch. 2; Adopted--Municipal Election, March 10, 1969; Amended--Special Municipal Election, June 19, 1972; Amended--Municipal Election, November 3, 2009.  
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## **ARTICLE I. GRANT OF POWERS TO THE TOWN**

### **Section 101. Incorporation, Powers of the Town.**

The inhabitants of the Town of Winslow shall continue to be a municipal corporation under the name of the Town of Winslow and shall have, exercise, and enjoy all the rights, immunities, powers, privileges, and franchises, and shall be subject to all the duties, liabilities, and obligations provided for herein, or otherwise pertaining to or incumbent upon said town as a municipal corporation, or the inhabitants or municipal officers thereof; it may enact bylaws, regulations, and ordinances not inconsistent with the constitution and laws of the State of Maine and impose penalties for the breach thereof as provided by the laws of the State of Maine.

### **Section 102. Construction.**

The powers of the town under this Charter shall be construed liberally in favor of the town, and specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

## **ARTICLE II. TOWN COUNCIL**

### **Section 201. Number, Eligibility, Election and Terms.**

- (a) *Number.* There shall be a town council composed of seven (7) members, one (1) from each of five (5) districts who shall be elected by voters of their respective districts, and two (2) members elected by the registered voters of the town at-large.
- (b) *Eligibility.* Only qualified voters who reside in the town shall be eligible to hold office as councilor. Each councilor must be a resident of the district from which elected. The two (2) members at-large must be residents of the Town of Winslow.
- (c) *Election and terms of Town Council Members.* Each member shall be elected for a term of three (3) years, or until his/her successor is elected and qualified. However, after the first election after the adoption of this amendment, members from Districts 1, 3, 5 shall be elected for three-year (3) terms; the at-large member next up for election shall be elected for a two-year (2) term. The second year after the adoption of this amendment, members from Districts 2 and 4 shall be elected for a three-year (3) term. The at-large member then up for election shall be for a one-year (1) term. Thereafter, Town Council members shall be elected for three (3) year terms. The first election under this amendment, if ratified, shall be the election in the fall of 2002. (Amended 11-4-75; Ord. No. 9-1977, 9-12-77) (Amended at Election 11-6-01, Ord. No. 5-2001, 8-27-01)

**Section 202. Compensation to Cover Expenses.**

Each councilor shall receive a stipend for each regular meeting attended. The amount shall be determined by majority vote of the council members present at the first meeting of each calendar year. This compensation shall be paid on a quarterly basis and shall take effect July 1<sup>st</sup> of that year.

**Section 203. Chair.**

At its meeting on the first business day in January, the town council shall elect, by majority vote of the council membership present, one of its members for the ensuing year as chair, and the council may fill for an unexpired term, any vacancy in the office of chair that may occur.

The chair shall preside at the meetings of the council, and shall be recognized as head of the town government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. In the temporary absence or disability of the chair, the council may elect a chair pro tempore from among its members, who shall exercise all the powers of the chair during such temporary absence or disability of the chair.

**Section 204. Powers and Duties.**

Except as otherwise provided by law or this Charter, all powers of the town shall be vested in the town council, which shall be the general legislative body of the town. The town council shall constitute the municipal officers of the Town of Winslow. The council shall have the Home Rule authority granted under Article VIII, Part Second, of the Maine Constitution and 30-A MRSA Section 3001, as amended.

**Section 205. Prohibitions.**

Except where authorized by law no councilor shall hold any other town office or town employment during the term for which the councilor was elected to the town council.

Neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any administrative officers or employees whom the manager or any of the manager's subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the manager and neither the council nor any member thereof shall give orders to any subordinate of the manager either publicly or privately.

## **Section 206. Vacancies, Forfeiture of Office, Filling of Vacancies.**

- (1) *Vacancies.* The office of councilor shall become vacant upon death, resignation, removal from office, in any manner authorized by law, or forfeiture of office.
- (2) *Forfeiture of Office.* A councilor shall forfeit office if the councilor (1) lacks at any time during the term of office any qualifications of the office prescribed by this Charter or by law, (2) is convicted of a felony or a crime involving theft, dishonesty or other moral turpitude, or (3) is excessively absent. Determination of forfeiture is made by a majority vote of councilors present, excluding the councilor affected.
- (3) *Filling of Vacancies.* If a seat in the town council becomes vacant more than six (6) months prior to the next regular election, the council shall call a special election to fill the unexpired term within sixty (60) days from the date that the vacancy occurred. If a seat in the council becomes vacant less than six (6) months prior to the next regular election, the council may call a special election.

## **Section 207. Council to Judge of Qualifications of its Members.**

The town council shall be the judge of the election and qualifications of its members and for such purposes shall have power to subpoena witnesses and require productions of records, but the decision of the council in any such case shall be subject to review by the courts.

## **Section 208. Induction of Council into Office.**

The town council shall meet at the usual place for holding meetings at 12:01 p.m. on the first business day in January, and at said meeting councilor(s)-elect shall be sworn to the faithful discharge of their duties by the town clerk or by a justice of the peace.

## **Section 209. Regular Meeting.**

At its meeting on the first business day in January, the town council shall establish by resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once a month. It shall also provide a method for calling special meetings. All meetings of the council shall be open to the public in accordance with the laws of the State of Maine.

## **Section 210. Quorum.**

Four or more town councilors shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. At least eight (8) hours notice of the time and place of holding such adjourned meeting shall be served on all members who were not present at the meeting from which adjournment was taken.

## **Section 211. Town Clerk.**

The town clerk shall act as clerk of the town council, and shall keep a record of all proceedings of the Council, including all roll-call votes.

## **Section 212. Rules and Procedure.**

The town council shall provide for keeping a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same. The council shall act only by ordinance, order or resolution.

All acts making regulations of a permanent nature shall be by ordinance. All ordinances shall be codified in the Municipal Code. The council will by ordinance determine which matters will be approved by order and which by resolution.

All ordinances, orders and resolutions, except orders or resolutions making appropriations of money, shall be confined to one (1) subject which shall be clearly expressed in the title. All appropriation orders or resolutions shall be confined to the subject of appropriations only.

Before any ordinance shall be passed at least one (1) public hearing shall be held by the council, notice of which shall be given at least seven (7) days in advance by publication in a newspaper having a circulation in said town and by posting a notice in a public place. The yeas and nays shall be taken on the passage of all ordinances and orders and entered on the record of the proceedings of the council by the clerk. Every ordinance shall require on passage the affirmative vote of a majority of the members of the council present. Such ordinance shall be effective thirty (30) days after such passage, subject to the provisions of Article X.

## **Section 213. Emergency ordinances.**

The council may, by vote of five (5) of its members, pass emergency ordinances, to take effect at the time indicated therein, to meet public emergencies affecting life, health, property or the public peace. The second public reading for an emergency ordinance may be waived at the first public reading by a vote of five (5) of the town council members. Such emergency ordinances shall contain a section in which the emergency is set forth and defined. The declaration of such emergency by the council shall be conclusive in as much as five (5) council members support such emergency ordinance. Within five (5) days after passage, such ordinance shall be posted at the town hall and such other places as the council may designate, and a statement of the general subject matter shall be published in a newspaper or newspapers having general circulation in the town. No public hearing or notice thereof shall be required prior to the passage of an emergency ordinance. Every emergency ordinance shall automatically stand repealed as of the ninety-first day following the date on which it was adopted.

## **Section 214. Independent Annual Audit.**

Prior to the end of each fiscal year, the town council shall designate the State Department of Audit or certified public accountants who, as of the end of the first year, shall make an independent audit of accounts and other evidences of financial transactions of the town government and shall submit their report to the council and to the town manager. Such accountants shall not maintain any accounts or records of the town business, but shall post-audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office, department, or agency of the town government, including the department of education.

## **ARTICLE III. ADMINISTRATIVE OFFICERS AND EMPLOYEES**

### **Section 301. Titles and Appointment.**

The following officers and boards shall be appointed by ballot by a majority vote of the members of the town council present: town manager, town attorney, board of assessment review, planning board, board of appeals, and other boards when such appointment is required by state statute or municipal ordinance. The council may, where appropriate, vest in the town manager all or part of the duties of any office.

The town manager shall appoint the town clerk, treasurer, tax collector, town assessor and department heads subject to the confirmation of the town council, and shall have the power to remove such appointees when necessary. The town manager shall appoint and remove when necessary all other administrative officers and town employees, except as the town manager may authorize the head of a department or office to appoint and remove subordinates in such department or office and except as otherwise provided in this Charter.

### **Section 302. Creation of Departments.**

The town council, by ordinance, may establish, change, and abolish town departments, offices or agencies other than those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless specifically provided by this Charter, assigned to any other.

### **Section 303. Personnel System.**

- a. *Merit Principle.* All appointments and promotions of town officers and employees, subject to the direction and supervision of the manager, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.
- b. *Personnel Director.* The town manager shall be the personnel director.
- c. *Personnel Appeals Board.* There shall be a personnel appeals board consisting of three

(3) members appointed by the town council from among the qualified voters of the town. The first appointments to this board shall be made in the manner: One (1) member for three (3) years, one (1) member for two (2) years, and one (1) member for one (1) year. All succeeding appointments shall be made for terms of three (3) years.

d. *Personnel Rules.* The town manager shall prepare personnel rules. The town manager shall submit such rules to the council which the council shall adopt by ordinance with or without amendment. These rules shall provide for:

- (1) The classification of all town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
- (2) A pay plan for all town positions;
- (3) Methods for determining the merit and fitness of candidates for appointment or promotion, demotion or dismissal;
- (4) The policies and procedures regulating reduction in force and removal of employees;
- (5) A retention and retirement plan for town employees;
- (6) The hours of work, attendance regulations and provisions for sick and vacation leave;
- (7) The policies and procedures governing persons holding provisional appointments;
- (8) The policies and procedures governing relationships with employee organizations;
- (9) Policies regarding in-service training program;
- (10) Grievance procedures, including procedures for the hearing of grievances by the personnel appeals board, which may render advisory opinions based on its findings to the town manager with a copy to the aggrieved employee; and
- (11) Other practices and procedures necessary to the administration of the town personnel system.



## **ARTICLE IV. TOWN MANAGER**

### **Section 401. Town Manager, Qualifications.**

The town council shall employ the town manager by contract for a fixed term not to exceed five (5) years. The manager shall be appointed on the basis of executive and administrative qualifications. The manager need not be a resident of the town or state at the time of the appointment but may reside outside the town while in office only with the approval of the council. No councilor shall receive such appointment during the term for which the councilor shall have been elected, nor within one (1) year after the expiration of the term, nor shall any member of the town council act in that capacity.

### **Section 402. Removal of Town Manager.**

The town manager may be removed during a contract period for cause by a two thirds (2/3) vote of the council members present, after notice and hearing.

### **Section 403. Powers and Duties of the Town Manager.**

The town manager shall be the chief administrative officer of the town. The manager shall be responsible to the town council for the administration of all town affairs placed in the manager's charge by or under this Charter. The manager shall:

- (1) direct and supervise the administration of all departments, offices, and agencies of the town, except as otherwise provided by this Charter or by law.
- (2) attend council meetings, except when the manager's removal is being considered, and shall have the right to take part in discussions but may not vote.
- (3) see that all laws, provisions of this charter, and acts of the council, subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are faithfully executed.
- (4) prepare and submit the annual budget and capital program to the council.
- (5) submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.
- (6) make such other reports as the council may require concerning the operations of town departments, offices, and agencies subject to the manager's direction and supervision.
- (7) keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as the manager deems desirable.
- (8) prepare an administrative code or amendments to an existing administrative code as

required, to be proposed to the council, and the council may by ordinance adopt them with or without amendment.

- (9) act as purchasing agent for all departments of the town, except the department of education. The manager may also act as purchasing agent for the department of education, if the town council deems it advisable by a majority vote of the council members present.
- (10) perform such other duties as specified in this Charter or may be required by the council.

#### **Section 404. Absence of Town Manager.**

By letter filed with the town clerk the manager shall designate, subject to approval of the town council, a qualified town administrative officer to exercise the powers and perform the duties of manager during a prolonged period of time when the manager expects to be unreachable or during a disability. During such unreachable status or disability, the council may revoke such designation at any time and appoint another officer of the town to serve until the manager shall return or the manager's disability shall cease. In the event of failure of the manager to make such designation, the council may by resolution appoint any administrative officer of the town to perform the duties of the manager until the manager shall return or the disability shall cease.

### **ARTICLE V. TAX ADMINISTRATION**

#### **Section 501. Assessor and Assessment Board of Review.**

There shall be a single assessor and a board of assessment review under the provisions of 30-A M.R.S.A., as amended.

### **ARTICLE VI. BOARD OF APPEALS**

#### **Section 601. Composition and Terms.**

There shall be a board of appeals composed of seven (7) members and one (1) associate member. The term of office shall be five (5) years for members; and three (3) years for the associate member.

#### **Section 602. Jurisdiction.**

The board of appeals shall act as the zoning board of appeals and have the same powers and duties as prescribed by the laws of the State of Maine for such boards. In addition, the board of appeals may have the jurisdiction to hear appeals that may arise under the housing code, building code or any other regulatory ordinance enacted pursuant to this Charter or the laws of the State of Maine, which provide therein for such appeals.

### **Section 603. Appeals.**

An appeal may be taken from any decision of the board of appeals to the superior court.

## **ARTICLE VII. DEPARTMENT OF EDUCATION**

### **Section 701. School Committee.**

The department of education shall be administered by a seven-member school committee. Each member shall be elected for a term of three (3) years or until a successor is elected and qualified.

### **Section 702. Qualifications.**

Members of the school committee shall be registered voters of the town and shall reside in the town during their term of office. They shall hold no office of employment or profit under this Charter or ordinances. A committee member shall forfeit office if the member: (1) Lacks at any time during office any qualifications of the office prescribed by this Charter or by law; (2) is convicted of a felony or a crime involving theft, dishonesty or other moral turpitude, (3) is excessively absent. Determination of forfeiture is made by a majority vote of committee members present, excluding the member affected.

### **Section 703. Vacancy.**

If for any reason a vacancy shall exist in the membership of the school committee, it may be filled by a majority vote of the school committee members present until the next municipal election.

### **Section 704. Organization, Qualification, Quorum.**

The school committee shall meet for organization at 6:00 p.m. on the first Monday in January, and prior to that meeting the members-elect shall be sworn to the faithful discharge of their duties by the town clerk or by a justice of the peace. The majority of the whole number of the school committee shall be a quorum and they shall elect their own chair. If the first Monday of the month is a holiday the school committee shall meet on the succeeding Tuesday.

### **Section 705. Powers and Duties.**

The school committee shall have all powers conferred and shall perform all the duties imposed by law upon school committees in regard to the care and management of the public schools of the town, except as otherwise provided in this Charter. The school committee shall prepare budget estimates in detail of the several sums required during the ensuing budget year for the support of the public schools; and at least ninety-five (95) days before the beginning of the budget year the school committee shall furnish copies of such estimates to the manager.

## **ARTICLE VIII. BUDGET**

### **Section 801. Fiscal Year.**

The fiscal year of the town government shall begin the first day of July and shall end on the thirtieth day of June of the following year. Such fiscal year shall constitute the budget and accounting year as used in this Charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

### **Section 802. Preparation and Submission of the Budget.**

The town manager, at least one hundred twenty (120) days prior to the beginning of each budget year, shall submit to the town council a budget and an explanatory budget message. The budget authority of the council shall be limited to final determination of the total appropriation to be made to each of the several offices, departments, and agencies of the town, including the department of education. This budget shall be compiled from detailed information furnished by the administrative officers and boards on forms which shall be designated by the manager, and shall contain:

- (1) Exact statement of the financial condition of the town.
- (2) An itemized statement of appropriations recommended for current expenses, and for permanent improvements; with comparative statements in parallel columns of estimated expenditures for the current year and actual expenditures for the next preceding fiscal year. An increase or decrease in any item shall be indicated.
- (3) An itemized statement of estimated revenue from all sources other than taxation; and a statement of taxes required, comparative figures from current and next preceding year.
- (4) Such other information as may be required by the council.

The proposed budget prepared by the manager shall be reviewed by the council, which shall approve the budget with or without amendments. The council shall fix the time and place for holding a public hearing on such budget, and shall give a public notice of such hearing. The council shall thereafter review the budget and adopt it with or without change, no later than June first immediately prior to the beginning of the next fiscal year. In the event the council shall fail to adopt a budget by June first immediately prior to the beginning of the next fiscal year, the budget as presented by the manager shall automatically become the budget for the fiscal year.

### **Section 803. Budget Establishes Appropriations.**

From the date of the adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several agencies and purposes therein named.

#### **Section 804. Budget Establishes Amount to be Raised by Property Tax; Certification to Town Assessor.**

From the date of the adoption of the budget the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the town in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the manager and filed with the town assessor, whose duty it shall be to levy such taxes for the corresponding tax year.

#### **Section 805. Budget Summary.**

At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and it shall be itemized also by departments and category of expenditures, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

#### **Section 806. Expenditures and Departmental Revenue.**

The budget for all departments, including the department of education, shall include all proposed expenditures. The town council shall make a gross appropriation for each department, including the department of education, for the ensuing municipal year. The gross appropriation for each department shall not be exceeded except by consent of the council and subject to the provisions of section 1003, but the gross school appropriation shall be expended under the direction of the school committee subject to provisions of section 403, part 9. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or the manager's designee, or the superintendent or the superintendent's designee in the case of the department of education, first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Except when prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by an order.

#### **Section 807. Transfer of Appropriation.**

At the request of the manager the council may by resolution transfer any unencumbered appropriation balance or portion thereof including surplus between the general accounts.

### **Section 808. Interim Expenditures.**

In the period between the beginning of the fiscal year and the appropriation of funds, the council may authorize expenditures for current departmental expenses chargeable to the appropriation for the year, when made, in amounts sufficient to cover the necessary expenses of the various departments.

### **Section 809. Work Programs and Allotments.**

At such time as the manager shall specify, each department, office, or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. The manager may revise such allotments during the year if the manager deems it desirable and shall revise them to accord with any supplemental, emergency, reduced, or transferred appropriations made pursuant to Section 807.

### **Section 810. Capital Program.**

The manager shall prepare and submit to the town council a five-year capital program at least three (3) months prior to the final date for submission of the budget. The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years ensuing, with appropriate supporting information as to the necessities for such improvements;
- (3) Cost estimates, method of financing, and recommended time schedules for each such improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

### **Section 811. Public Hearing on Capital Program.**

The proposed capital program shall be reviewed by the town council, which shall approve it with or without amendments. The council shall fix the time and place for holding a public hearing on the capital program, and shall give public notice of such hearing. The council shall adopt the capital program with or without amendments after such public hearing.

## ARTICLE IX. NOMINATIONS AND ELECTIONS

### Section 901. Municipal Elections.

The regular election for the choice of members of the Town Council, school committee and trustees of the Winslow Public Library shall be held on the same day as State or Federal Elections or Referendum or, if none, on the first Tuesday of November.

(Amended 6-19-72)

### Section 902. Nomination.

Any qualified voter of the town may be nominated for the town council or school committee as provided by law.

### Section 903. Election Provisions.

Provisions of the laws of the State of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of election officers, and all other particulars respective to preparation for, conducting, and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter.

### Section 904. Absentee Voting.

Absentee voting shall be permitted in all regular or special municipal elections provided that such voting conforms to the regulations governing absentee voting provided by law.

### Section 905. Council Districts; Adjustment of Districts.

- (a) *Number of districts.* There shall be five (5) town council districts.
- (b) *Districting commission.* The council shall appoint five (5) qualified voters, determined from the registration for the last statewide general election, who shall comprise the districting commission. The voters chosen shall not be employed by the town in any other capacity.
- (c) *Report; specifications.* By the first day of May of every tenth year from the adoption of this original Charter in 1970, the districting commission shall file with the town clerk a report containing a recommended plan for adjustment of the council district boundaries to comply with these specifications:
  - (1) Each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines may follow the center lines of streets, highways, railroads or rivers.
  - (2) Each district shall contain as nearly as possible the same number of inhabitants as determined according to the latest federal decennial census, but districts shall not



differ in number of registered voters by more than ten (10) per cent of the voters in the smallest district created.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the clerk, the report shall be treated as an ordinance introduced by a council member.

- (d) *Procedure.* The procedure for the council's consideration of the report shall be the same for other ordinances, provided that if a summary of the ordinance is published, it must include both the map and the description of the recommended districts.
- (e) *Failure to enact ordinance.* The council shall adopt the ordinance at least ninety (90) days before the next regular town election. If the council fails to do so by such date, all councilors to be elected at such election shall be elected at-large and shall serve as councilors at-large until their terms of office expire. After such an election at-large, the districting commission shall reconvene and adjust the district boundaries in accordance with the specifications, requirements and procedures earlier provided in this section, except that the ordinance shall be enacted at least ninety (90) days before the next regular town election following such election at-large.
- (f) *Effect of enactment.* The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all purposes of the next regular town election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all councilors elected at that regular town election take office.

## **ARTICLE X. REFERENDUM AND INITIATIVE**

### **Section 1001. Overrule of Action of Council.**

All ordinances, all orders or resolutions apportioning one hundred thousand dollars (\$100,000.00) or more for a single capital improvement, and all orders or resolutions authorizing bond issues of one hundred thousand dollars (\$100,000.00) or more for capital improvements shall be subject to overrule by referendum.

Any five (5) registered voters may begin referendum proceedings by request, in writing, to the town clerk for the appropriate petition blanks. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the ordinance, order or resolution sought to be reconsidered. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by the voter's address.

Each paper of the petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the



circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance, orders or resolutions sought to be reconsidered.

If, within twenty (20) days after the enactment of any such ordinance, order or resolution, the appropriate petition signed by not less than ten (10) per cent of the registered voters of the town is filed with the town clerk requesting its reference to a referendum, the town council shall call a public hearing to be held within thirty (30) days from the date of the filing of such petition with the town clerk, and shall within fourteen (14) days after said public hearing call a special municipal election for the purpose of submitting to a referendum vote the question of adopting such ordinance, order, or resolution. Pending action by the voters of the town, the referred ordinance, order, or resolution shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question.

### **Section 1002. Ordinances, Orders or Resolutions Submitted to Popular Vote.**

The town council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order, or resolution, except as herein otherwise provided, to be voted upon at any municipal election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance, order, or resolution shall be enacted, repealed or amended accordingly.

### **Section 1003. Enactment of Ordinances by Initiative.**

Ordinances may be enacted by the following initiative procedure:

Any five (5) registered voters may begin initiative proceedings by request, in writing, to the town clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by the voter's address.

Each paper of the petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed ordinance.

Upon receipt by the town clerk of the appropriate petition signed by not less than ten (10) per cent of the registered voters of the town, the town council shall call a public hearing to be held within thirty (30) days from the date of the filing of such petition with the town clerk, and shall within thirty (30) days after said public hearing call a municipal election for the purpose of submitting to vote the question of adopting such ordinance, unless such ordinance shall be

enacted by the council prior to the call for said town election. Said ordinance shall be enacted and take effect when a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the town attorney before being submitted to the voters. The town attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities, and unconstitutional provisions, and to assure accuracy in its text and references, and clearness and preciseness in its phraseology, but the town attorney shall not materially change its meaning and effect.

#### **Section 1004. Form of Ballot.**

The form of the ballot for the proposed ordinance, or repeal of such ordinance, order, or resolution, shall be substantially as follows:

``Shall the ordinance, order, or resolution		
entitled _____	YES	NO
be repealed? (or adopted?)"	<input type="checkbox"/>	<input type="checkbox"/>

(The voters shall indicate their choice by a cross or check mark placed in the appropriate box under the words YES or NO.)

### **ARTICLE XI. GENERAL PROVISIONS**

#### **Section 1101. Repealing Clause.**

All acts and parts of acts of the private and special laws of Maine relating to the Town of Winslow, inconsistent with the provisions of this Charter, are repealed.

#### **Section 1102. Separability Clause.**

If any portion of this act shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.

#### **Section 1103. Short Title.**

This Charter shall be known and may be cited as the "Council-Manager Charter of the Town of

Winslow." The clerk shall cause it to be printed and made available to the public promptly.

#### **Section 1104. Existing Contracts Not Invalidated.**

All rights, actions, proceedings, prosecutions, and contracts of the town, pending or unexecuted when this Charter goes into effect, shall be enforced, continued, or completed in all respects as though begun or executed hereunder.

#### **Section 1105. Oath of Office.**

Every officer of the town shall, before entering upon the duties of their office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Winslow, and will faithfully discharge the duties of the office of \_\_\_\_\_"

#### **Section 1106. Ordinances Not Inconsistent Continue in Force.**

All ordinances of the Town of Winslow in force at the time when this Charter takes effect, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

#### **Section 1108. Bonds of Officers.**

The town council shall require a bond with sufficient surety or sureties, satisfactory to the town council, from all persons trusted with the collection, custody or disbursement of any of the public moneys; and may require such bond from such other officials as it may deem advisable; the premium charges for said bonds to be paid by the town.

#### **Section 1109. Charter Amendment.**

The procedure for amendment or revision of the charter is as provided in 30-A MRSA Section 2101, et seq, as amended. At a minimum, in 2015, and every 5 years thereafter, the council will review the charter to determine if it needs to be amended or revised.